



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

HD:hd
Docket No: 07475-99
28 February 2000

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: LT [REDACTED], USN [REDACTED]
REVIEW OF NAVAL RECORD

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 dtd 29 Nov 99 w/attachments
(2) PERS-86 memo dtd 26 Jan 00
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected by removal of his failures of selection for promotion before the Fiscal Year (FY) 99 and 00 Naval Reserve Lieutenant Commander Line Selection Boards, so as to be considered by the selection board next convened to consider officers of his category for promotion to lieutenant commander as an officer who has not failed of selection for promotion to that grade. Because of the failures of selection for promotion, he is scheduled to be involuntarily discharged on 31 March 2000. Petitioner made no request for consideration by a special selection board. He may, if he wishes, make such a request by separate correspondence to the Secretary of the Navy via the Navy Personnel Command (NPC), Code PERS-86 on the basis of this Board's action in this case.

2. The Board, consisting of Messrs. Bartlett, Ensley and Frankfurt, reviewed Petitioner's allegations of error and injustice on 25 February 2000, and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Petitioner contends in his application that because of missing documentation, his level of participation was not accurately reflected in his record.

c. In correspondence attached as enclosure (2), the NPC office having cognizance over Naval Reserve promotions has commented to the effect that Petitioner's failures of selection should be removed, and that he should be given consideration by a special selection board.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected so that he will be considered by the earliest possible selection board convened to consider officers of his category for promotion to lieutenant commander as an officer who has not failed of selection for promotion to that grade.


b. That any discharge or other action based in any way on Petitioner's failures of selection before the FY 99 and 00 Naval Reserve Lieutenant Commander Line Selection Boards be cancelled and, if necessary, that related documentation be removed from his record.

c. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

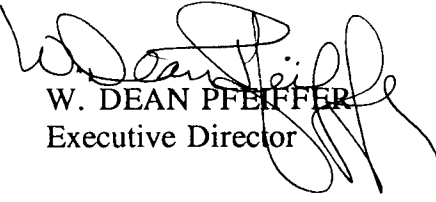
d. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder


JONATHAN S. RUSKIN
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.


W. DEAN PFEIFFER
Executive Director



DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

5420
PERS-86

26 JAN 2000

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF NAVAL
RECORDS

Via: Assistant for BCNR Matters (PERS-00ZCB)

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS IN CASE OF
LIEUTENANT [REDACTED] [REDACTED], USNR; [REDACTED]

Encl: (1) BCNR File 07475-99 w/Service record

1. We are returning enclosure (1) with the following observations and recommendation that relief be granted.
2. Lieutenant [REDACTED] record was properly considered by the FY-99 and FY-00 Naval Reserve Lieutenant Commander Line Promotion selection boards. He was not selected by either board. When the record was reviewed by the selection boards, due to the recent conversion to digitized records, there were numerous documents, in addition to those identified by Lieutenant [REDACTED] missing from the record and therefore it is our opinion that a fair and just consideration of the record was not possible. We recommend that the failures of select be removed, and that the record be given consideration by a special selection board.

Director, Reserve Officer
Promotions, Appointments, and
Enlisted Advancement Division